

Approved Minutes
Friend of the Court Bureau
Advisory Committee Meeting
State Court Administrative Office - Lansing, MI
Thursday, April 18, 2002

MEMBERS PRESENT: Hon. Mabel Mayfield, Susan Licata Haroutunian, Lynn Bullard, Anthony Paruk, Murray Davis, and Patti Holden

MEMBERS ABSENT: Linda Cunningham, Mike Keeler, David Meyers and Bill Brooks

STAFF PRESENT: Bill Bartels, and Darla Brandon

PUBLIC ATTENDANCE: None

1. CALL TO ORDER

At 9:40 a.m., Mr. Bartels welcomed members of the Child Support Formula Subcommittee to the Advisory Committee meeting to hear Dr. Jane Venohr present her findings and Report on Michigan's Child Support Formula. Copies of the report and Dr. Venohr's April 18, 2002 slide handouts were distributed to committee and subcommittee members.

The business portion of the Advisory Committee meeting was called to order by chairperson Susan Haroutunian at 12:45 p.m.

Ms. Gail Schneider-Negrinelli was introduced to the committee. She joins the committee as the 2001-2004 public member.

2. ROUTINE BUSINESS

a. Approval of the January 10, 2002 Minutes

A motion was made to approve the minutes as submitted. Judge Mayfield moved and Mr. Paruk seconded the motion. **Motion carried.**

b. Correspondence None.

c. Public Comment

Mr. Paul Newton provided the committee with handouts and addressed his concerns about shared economic responsibility formula with respect to the *BURBA* case and his personal child support case.

Mr. Davis advised the committee that he has received extensive correspondence from Mr. Newton and is familiar with his situation. Mr. Davis incorporated two of the major issues in his public complaints memo, which he provided to the committee for review. Since Mr. Newton's

main issue is with a judicial determination, it may be appealed. The issue (item C) regarding the formula manual language that the shared economic responsibility section should not be used to retroactively modify an order will be referred to the formula subcommittee.

d. Subcommittee Reports

i. CSF Meeting minutes - Mr. Bartels informed the committee that the child support formula subcommittee meeting minutes will be provided to the advisory committee on a regular basis. The committee was provided with copies of the subcommittee's January and February 2002 minutes. Mr. Donald Reisig, Ingham Co. Friend of the Court, was appointed as an ex-officio member of the subcommittee for the current four year review. Mr. Albaugh declined being appointed.

e. Legislative Update

i. PA 193 of 2001 - The committee was provided with a copy of this act.

ii. The committee was provided a copy of the press release announcing the Child Support Leadership Council being formed by Chief Justice Maura D. Corrigan and Governor John Engler. Mr. Davis was appointed to this council. The committee's function is to make recommendations to the executive branch and the judicial branch in particular to reform the friend of the court/child support system. This council will try to reform the child support system. There are several pieces of proposed legislation that Governor Engler would like to see passed before the summer break.

f. Bureau Update

This will be tabled to the August meeting.

4. UNFINISHED BUSINESS

a. Guideline Review

i. Subcommittee and Committee work plans - Mr. Bartels informed the committee that currently the subcommittee will be working through the material and making recommendations to the advisory committee regarding the Guideline review at the end of July. The Advisory committee will receive the recommendations before the August 8th meeting.

ii. Deviation analysis methodology - Over the last several years a survey has been sent to the courts to fill out one week per year on all support orders and recommendations on. The Friend of the Court Bureau then compiles the data and provides analysis of the deviation. PSI will be providing a report and recommendations that will improve this process.

b. Parenting Time Guideline & Uniformity - Per the committee's October 11, 2001 motion, the Bureau contacted all the friends of the court through a survey inquiring about what their practice is pertaining to parenting time. There was good feedback, and the data is being compiled to be supplied to the advisory committee in the future.

c. Role of Advisory Committee

i. Change Statement of Purpose - Ms. Bullard questioned the language of the statement of purpose of the Advisory committee at the last meeting. She suggested adding language in the statement of purpose that "the Advisory Committee is statutorily required to advise the Bureau in its performance of its duties under the Friend of the Court Act." Judge Mayfield made a motion to amend the mission statement to accurately reflect the legislative mandate using Ms. Bullard's language. Ms. Holden seconded. Mr. Davis questioned what language will be used. The committee will table this topic for the next meeting. Committee members are encouraged to submit language they think is appropriate to Mr. Bartels.

5. NEW BUSINESS

a. Changes to existing formula manual

i. Alimony/Spousal Support Adjustment to Income - The subcommittee recommended changing the section to calculate support without regard to alimony/spousal support paid between the parties of the case under consideration. The subcommittee's recommendation and rationale were provided for the Advisory committee to consider. This was been tabled to the next meeting.

ii. Deviation (*Burba* related language change) - The subcommittee recommended changing the section by adding language to clarify the effect of the *Burba* opinion. The subcommittee's recommendation and rationale were provided for the Advisory committee to consider. This was been tabled to the next meeting.

iii. Imputation Section Changes - Copies of the subcommittee's 1999 recommendation and rationale were provided for the Advisory committee to consider. Ms. Holden explained to the committee why she dissented from the recommendation of the Subcommittee. The committee was supplied with her dissent and her rationale, as well as rationale from Kent Weichmann and Terry Adams.

iv. Low income Section Changes - Second job and overtime issues, many times are really low income issues. Copies of the subcommittee's 1999 recommendation and rationale were provided for the Advisory committee to consider.

Given the potential for additional change to the manual and its effect on items iii and iv, the Advisory Committee wanted the formula subcommittee to include consideration of imputation and low income adjustments in any recommendations made in the next few months. Mr. Davis made a

motion to defer items iii and iv (Imputation Section Changes and Low Income Section Changes) to the Subcommittee updates as needed. Mr. Paruk seconded the motion. **Motion passed.**

b. The advisory committee was supplied with copies of the 2001 Annual Grievance Report to the Legislature, and with a copy of the 2000 Friend of the Court Statistical Supplement.

6. CLOSING

a. Members Closing Comments - Mr. Davis made a motion that the report he submitted to the advisory committee that deals with the shared economic responsibility question, section B, Michigan Court Rule 3.215. Mr. Bartels informed Mr. Davis to that he should forward his report to the SCAO Joint Court Rules Committee. The next issue is Section A, form 39a and profit sharing and how it is applied.

Mr. Davis made a motion to refer Item C on the April 18, 2002 memo from Mr. Davis to the Child Support Formula Subcommittee for review and consideration. **Motion passed unanimously.**

Mr. Bartels informed the committee that Public Notice of Review of the Guideline press release is being sent to all courts and friend of the courts to post as well as public user and input, which will be available on the <http://courts.michigan.gov> website.

Ms. Haroutunian relayed a message from Ms. Bullard regarding the increase in the number of grievances filed in the Grievance Report. She wanted to know if the bulk of grievances had been determined non-grievable or denied. Without the distinction being made as to what the increase was made up of, it could be used as a weapon to show that the friend of the court is not doing a good job because of all the new grievances.

Mr. Bartels responded that the friend of the court bureau is currently working on revising a new Grievance procedure. This issue may be referred to another analyst who prepared the Grievance Report to review the accuracy of the data.

- b. Final Public Comment - None.
- c. Next Meeting Date - **August 8, 2002**
- d. Adjourn - The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Darla Brandon
Trial Court Services